IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 9136 of 2004

Between:

D. John Samuel S/o. S. David
NTPC, Ramagundam, Karimnagar R/o. Plot No.78, Kalyan Gardens,
Sainikipuri, Secunderabad.

..... PETITIONER

AND

1 The Chairman -cum-Managing Direactor, (Genral Managr), NTPC, Ramagundam,
Karimnagar District.
2 The Executive Director/S.R. N.T.P.M.C.H. Complex R.P. Road, Secunderabad.
3 The Estate Officer, NTPC, Ramagundem, Krimnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to release and restore the un-disputed articles at serial Nos. 1 to 9 mentioned in the Panchanama recorded before the respondent NO.3 by retaining the other items of the Panchanama which belongs to the petitioner to be kept under the custody of the respondent NO.3 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For the Petitioner:MR.N.SAMUEL SUNDER, Advocate

For the Respondent Nos 1 to 3: MS.G.SUDHA, Advocate

The Court Made the Following :

ORDER:

Heard the learned Counsel for the petitioner and Ms.G.Sudha, learned Standing Counsel for respondents.

The case of the petitioner, who was an employee of the respondent organization, is that he was allotted a residential quarter of the respondents' organization in the year 1987 and when he was transferred to Kerala, due to some non-settlements of his grievances he could not join there and therefore his services were terminated in the year 1999. A writ petition filed against the order of termination was dismissed and a Writ Appeal is pending before this Court. While so, according to the petitioner, respondents have initiated steps for evicting the petitioner from the quarters under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (in short 'the Act'), which led to seizing of the quarter occupied by the petitioner under a panchanama. Now, the grievance of the petitioner is that item Nos. 1 to 9 mentioned in the panchanama belong to his friend and his request to release the said items is not being considered by the respondents. Hence, this writ petition.

Learned counsel for the petitioner submits that when a writ appeal against the order of termination of the petitioner is pending before this Court, that too without issuing notice in Form-6 of the Act, seizure of the articles of the petitioner by the respondent is illegal and requested that at least item No.1 to 9 mentioned in the panchanama may be directed to be released to the petitioner.

The learned Standing counsel for the respondents, on the other hand, submits that the petitioner whose services were terminated in the year 1999 has been in unauthorized occupation of the quarters and he could not obtain any stay orders in the writ appeal filed against the order of termination and therefore, the writ petition is liable to be dismissed.

Having regard to the facts and circumstances of the case, I am of the view that the petitioner has been in unauthorized occupation of the quarters after his termination, even though quite a reasonable time has been allowed by the respondent,

constraining the respondents to initiate eviction proceedings. It is the duty of the petitioner to hand over the said premises to the respondent – organization, at lease after the dismissal of the writ petition filed by him against the orders of termination. Without doing so, he is continuing in the quarters unauthorizedly, even after issuance of a notice by the respondents on 11-4-2002. He cannot seek some articles to be released at his choice and continue his unauthorized occupation by keeping some articles which are not required by him. If the petitioner wants some articles, he has to get released all his belongings according to the procedure and vacate the premises.

I see no merits in the writ petition and it is accordingly dismissed at the stage of admission. No costs.

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24-6-2004

asp/-

1 The Chairman -cum-Managing Direactor, (Genral Managr), NTPC, Ramagundam,
KarimnagarDistrict.
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